

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 249-327

C# M#

MURAKAMI et al.

TC/A.U.

1771

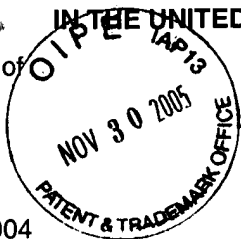
Serial No. 10/785,187

Examiner: Vo

Filed: February 25, 2004

Date: November 30, 2005

Title: SHAPE MEMORY FOAM MATERIAL



IFU

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment **10** minus highest number
previously paid for **20** (at least 20) = **0** x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment **3** minus highest number
previously paid for **3** (at least 3) = **0** x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/\$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$40.00 (8021) \$

Other: \$

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYTE P.C.
By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: _____



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MURAKAMI et al.

Atty. Ref.: 249-327; Confirmation No. 7411

Appl. No. 10/785,187

TC/A.U. 1771

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For: SHAPE MEMORY FOAM MATERIAL

* * * * *

November 30, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is responsive to the Official Action dated November 2, 2005 and the requirement for restriction presented in it.

The examiner proposes a three-way restriction as between an article (claims 11-18), a method of producing that article (claim 19) and a soundproof cover (claim 20).

The reasons given underlying the three-way requirement for restriction appear to be flawed. In particular, on page 2, second full paragraph, the invention is mischaracterized by the statement "The invention I directed to a carpet which is not capable of use with a soundproof cover of invention II" (Counsel assumes the examiner meant to indicate Group III.)

Applicants' claims are not directed to a carpet in any way but to an article having a joint and a shaped memory foam fluid seal. Contrary to the assertion in the Official Action, the article of Group I is manifestly suitable for a soundproof cover of Group III. The soundproof cover of invention III could be mounted in a "joint" in an automobile. Reconsideration is requested.

For purposes of a complete and full response, applicants elect the claims of Group I, namely claims 11-18. This election is made with traverse for the reasons just explained.

Applicants preserve their rights to have method claim 19 rejoined at such time as the article claims are allowable. Rejoinder is authorized by MPEP §2116.01 implementing the Federal Circuit's decisions of *In re Ochiai*, 37 USPQ2d 1127 (1995) and *In re Brouwer*, 37 USPQ2d 1663 (1995):

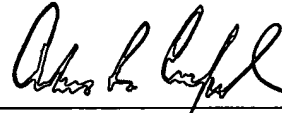
If applicant elects claims directed to the product, and the product is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product will be rejoined. Where the restriction requirement is no longer applicable, the requirement (for restriction) should be withdrawn when the process claims are rejoined.

An examination on the merits of claims 11-18 is awaited taking into account the documents identified in the Information Disclosure Statement filed February 25, 2004 which documents were of record in the parent application.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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